

Session 10-12, a Special Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 5:37 p.m. on June 24, 2010 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONER BOS, DRUHOT, HIGHLAND, KRANICH, MINSCH, SINN

ROLL
CALL

STAFF: CITY PLANNER ABBOUD
CITY MANAGER WREDE
DEPUTY CITY CLERK JACOBSEN

APPROVAL OF AGENDA

AGENDA
APPROVAL

The agenda was approved by consensus of the Commission.

PUBLIC HEARINGS

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

PUBLIC
HEARINGS

A. Appeal of an Enforcement Order at 397 E. Pioneer Avenue, Refuge Chapel

Appeal of
an
Enforceme
nt Order,
Refuge
Chapel

Chair Minsch began the proceedings by explaining that this is an appeal by the Refuge Chapel of an Enforcement Order to Discontinue Use of Property Located at Lot 5, Block 6 Glacier View Subdivision, 397 E. Pioneer Avenue, as an Overnight Facility or Submit a Completed Application for a Conditional Use Permit within 30 Days of Receipt. She recognized the parties from the Refuge Chapel as appellants and City Planner Abboud as appellee.

Chair Minsch asked if any Commissioner has a potentially disqualifying interest of partiality in this matter. There was no response from the Commissioners. She advised that each party would have 30 minutes to make their presentations and the appellant would have 5 minutes for a rebuttal.

Representatives from the Refuge Chapel included Pastor Darren Williams and Doug Dodd. Each read letters that were provided to the Commission as laydown items. Both letters explained the operations of the facility, how they believe it meets the City Code description of a rooming house, and requesting abatement of the City Planner's enforcement order.

City Planner Abboud said he is here as a matter of procedure, noting that originally he stated this operation is a rooming house. There was a hearing with the Planning Commission which resulted in an unclear vote of the determination. It was appealed to the Board of Adjustment and they determined that the Commission's vote did overrule the City Planner's decision of the rooming house. He is unaware of why it is not a rooming house, he does not believe the circumstance have changed significantly since he made that determination. City Planner Abboud explained that he accepted the decision of the BOA and since his ruling was overturned, he can't accept that this is a rooming house. He chose not to further appeal the decision that was made by the Board of Adjustment.

Chair Minsch offered the appellant their five minute rebuttal.

Mr. Dodd commented that it doesn't sound like this is an argument, it sounds like there are some procedural issues. He referenced the Board of Adjustment finding 2 where they say it is the Commission's job. He doesn't think they felt it wasn't a rooming house, they just felt the

Appeal of
an
Enforcem
ent
Order,
Refuge
Chapel
Cont.

procedure was inappropriate, the Commission had a 2-3 vote, it was a technical argument. He feels that finding 2 seems to give the Commission the authority and responsibility to make the decision.

Chair Minsch opened the public hearing.

John Williams said he wants to reiterate what has been said before. The Refuge Chapel is here to help the City in a matter with men who have no place to stay. He has lived here since 1974 and has seen a lot of camps and workers living in the woods along the highway. When his son came and started the church, he had a heart to help men that came to town to work and need a place to stay. Churches help people like that. It was fine when no one was close and it wasn't in the middle of town. Then there was one very vocal person who objected and made it a more blown out of proportion situation than it really is. Mr. Williams does not believe they have a problem; they are part of the solution. He urged the Commission to understand that. Closing them down will cause a problem because there are people who need help and don't have a lot of money. There are not a lot of services that will do that for guys. He thanked the Commission.

Jim Pastro who attends Refuge Chapel, referenced the letter in the packet date stamped March 21, 2010 which he wrote. He explained that the Refuge Chapel chose to pull their CUP and start the process over. He submitted documentation regarding the way the rooming house is run. He found it interesting because he spoke to Mr. Abboud in early March asking him to look at the facility, to work with the Refuge Chapel and suggest how they might change the operation to be in compliance with the definition of rooming house in the City Code. Instead Mr. Abboud wrote the enforcement order dated March 10. Mr. Pastro said they chose to pull the CUP because the statement of findings from the Board of Adjustment, it says the Board finds that yes, the City Planner does have the authority to determine that a certain use requires a conditional use permit. He questioned if an applicant requests for a CUP that needed some little things to change in the operation of the business, would the City Planner say that they couldn't do it or would he recommend suggestions of how they could work together for their benefit and the City's benefit. Mr. Pastro said that was his heart when he contacted Mr. Abboud, but here they are today.

There were no further public comments and Chair Minsch closed the public hearing and oral arguments.

Chair Minsch noted for the record that there is a copy of the 2/21/2007 minutes from the HAPC, a June 24, 2010 letter from Pastor Darren Williams, a parking and building plan from January 10, 2007, and a June 23rd letter from Doug Dodd to the HAPC.

KRANICH/BOS MOVED TO ENTER INTO DELIBERATIONS AT THE CONCLUSION OF THEIR OTHER BUSINESS TONIGHT.

Commissioner Kranich felt it would be best to begin deliberations tonight while the information was fresh.

Commissioner Highland suggested it would be better to deliberate now rather than at the end of the meeting.

VOTE: YES: BOS, MINSCH, DRUHOT, KRANICH, SINN
NO: HIGHLAND

Motion carried.

PENDING BUSINESS

PENDING
BUSINESS

A. Draft Spit Comprehensive Plan

Draft Spit
Comp Plan

The Commission continued their worksession type discussion of the Draft Spit Comprehensive Plan and then adjourned the meeting to deliberate.

COMMENTS OF THE AUDIENCE

AUDIENCE
COMMENT

Members of the audience may address the Commission on any subject. (3 minute time limit)

COMMENTS OF THE COMMISSION

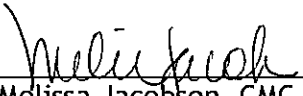
COMMISSIONERS
COMMENT

ADJOURN

Meetings will adjourn promptly at 10 p.m. An extension is allowed by a vote of the Commission. The next Regular Meeting is scheduled for May 5, 2010 at 7:00 p.m. in the Cowles Council Chambers. There will be a work session at 5:30p.m. prior to the meeting.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at m 7:17 p.m. The next regular meeting is scheduled for July 21, 2010 at 7:00 p.m. in the City Hall Cowles Council Chambers. There is a worksession at 5:30 p.m. prior to the meeting.



Melissa Jacobsen, CMC, Deputy City Clerk

Approved: July 21, 2010

Session 10-13, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Minsch at 7:00 p.m. on July 21, 2010 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



ROLL
CALL

PRESENT: COMMISSIONERS BOS, HIGHLAND, MINSCH, SINN

ABSENT: COMMISSIONERS KRANICH, DRUHOT

STAFF: CITY PLANNER ABOUD
PLANNING CLERK ROSENCRANS

APPROVAL OF AGENDA

AGENDA
APPROVAL

The agenda was approved by consensus of the Commission.

PUBLIC COMMENT

PUBLIC
COMMENT

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

There were no public comments.

RECONSIDERATION

RECONSID
ERATION

No items were scheduled for reconsideration.

ADOPTION OF CONSENT AGENDA

CONSENT
AGENDA

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

- A. Approval of the June 16 and 24, 2010 regular meeting minutes
- B. Time Extension Requests
- C. Approval of City of Homer Projects under HCC 1.76.030 g
- D. KPB Coastal Management Program Reports

The consent agenda was approved by consensus of the Commission.

PRESENTATIONS

There were no presentations scheduled.

REPORTS

Staff
Report PL
10-61, City
Planner's
Report

A. Staff Report PL 10-61, City Planner's Report

City Planner Abboud reviewed his report.

